

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**PARKERSBURG DIVISION**

CAROL L. MCCUNE, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 6:08-cv-00007

MED PROV MEDICAL BENEFIT PROGRAM.,

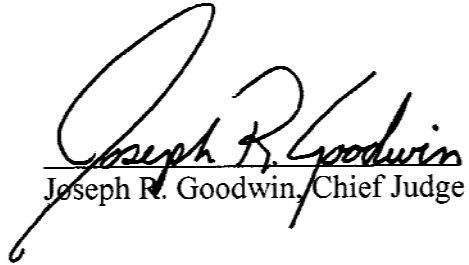
Defendant.

**ORDER**

Pending before the court is the Proposed Findings and Recommendation of the Magistrate Judge [Docket 9], entered on March 31, 2008. The plaintiffs have filed objections to the Magistrate Judge's Proposed Findings and Recommendation [Docket 10, 12, 13]. Upon review of the record *de novo*, the plaintiff's objections are without merit. Accordingly, the court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge, **DENIES** the plaintiffs' application to proceed without prepayment of fees, and **DISMISSES** the plaintiffs' Amended Complaint without prejudice pursuant to 28 U.S.C. § 1915(e)(2). Having found that the Amended Complaint fails to state a claim on which relief may be granted, the court **DIRECTS** the clerk to refund the filing fee to the plaintiffs.

The court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Stanley, counsel of record, and any unrepresented party.

ENTER: June 23, 2008



Joseph R. Goodwin, Chief Judge